

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

LISA GARVEY and COLLETTE DELBRIDGE,
individually and on behalf of others similarly situated,

No. C 11-02575 WHA

Plaintiff,

v.

KMART CORPORATION,

REQUEST RE *CY PRES*


Defendant.

The Court is in receipt of class counsel's declarations certifying that the terms of the class settlement have been carried out, save for the remaining uncashed funds and payment of the balance of counsel's costs. Here are the details.

A January 2014 order granted final approval of the class settlement. In April 2014, nineteen of the 217 checks were returned as undeliverable. Seventeen checks were re-mailed after a skip-trace search. In June 2014, postcard reminders were mailed to the 46 class members who had not yet cashed their checks. Nine postcards were returned as undeliverable. Counsel were then able to locate three of the nine class members. Six class members also requested new checks, which were then cashed. Currently, 23 class members have not cashed their settlement checks. The amount totals \$2,960.21.

By **OCTOBER 28 AT NOON**, class counsel shall please submit three worthy *cy pres* organizations that principally further the interests of the class. *See Nachshin v. AOL, LLC*, 663 F.3d 1034, 1039–41 (9th Cir. 2011). This order recognizes that counsel have proposed the Legal Aid Society Employment Law Center as one potential recipient. All responses to counsel's motion and proposed *cy pres* recipients must be filed by **NOVEMBER 4 AT NOON**. The Court will then appoint one *cy pres* recipient to receive the uncashed funds.

Dated: October 21, 2014.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE